



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1573

DATE SCANNED 3/6/07

SCANNER NO. 1

SCAN OPERATOR EES

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2006 SEP 25 P 4: 46  
September 25, 2006

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK  
STAFF DIRECTOR

FROM: JOHN D. GIBSON  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

SUBJECT: ADMINISTRATIVE FINE PROGRAM  
REASON TO BELIEVE RECOMMENDATION -  
2006 JULY QUARTERLY REPORT

Attached is a list of political committees and their treasurers who either failed to file or failed to timely file, the 2006 July Quarterly Report in accordance with 2 U.S.C. 434(a). On June 21, 2006, Prior Notice was sent to all authorized and unauthorized committees and their treasurers, informing them that the July Quarterly Report was due on July 15, 2006. The July Quarterly Report is required to cover the time frame from April 1, 2006 through June 30, 2006.

The committees listed in the attached RTB Circulation Report either failed to file the report or filed the report more than five (5) days after the due date. In accordance with the schedule of civil money penalties located within 11 CFR §111.43, these committees should be assessed the civil money penalties highlighted on the attached report.

**Recommendation**

- (1) Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
- (2) Send the appropriate Reason to Believe letters to the committees.

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2006 JULY QUARTERLY Non Election Sensitive 07/15/2006 H\_S\_P\_UNAUTH

9/25/2006 4:03 PM

Federal Election Commission  
Reason to Believe Circulation Report  
2006 JULY QUARTERLY Non Election Sensitive 07/15/2006

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
1495	C00422972	ANDERSON FOR CONGRESS	ANDERSON, WOODROW WILSON III	MELINDA MILLIGAN WALLACE	\$306,442.00	0	8/2/2006	18	\$306,442	\$5,100.00

1498	C00417253	CITIZENS TO ELECT PHILLIP JACKSON	JACKSON, PHILLIP	KIRSTEN ROKKE	\$162,828.00	0		Not Filed	\$54,276 (est)	\$2,700.00
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1500	C00418368	COMMITTEE TO ELECT MATT MILLER	MILLER, MATT	DON EISERLING	\$175,146.00	0	7/23/2006	8	\$54,428	\$900.00
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1502	C00127811	FLORIDA CONGRESSIONAL COMMITTEE		FORREST B RAFFEL	\$174,115.00	0	8/14/2006	30	\$28,260	\$800.00
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1503	C00409433	FRIENDS FOR DIX	DIX, WILLIAM CLARK	MATT GRONEWALD	\$1,566,591.00	0	9/21/2006	Not Filed	\$536,513	\$9,500.00
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1504	C00415927	GILLILAND FOR CONGRESS	GILLILAND, BRIAN SCOTT	BRIAN GILLILAND	\$122,047.00	1		Not Filed	\$30,512 (est)	\$1,125.00
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1507	C00418954	KISER 4 CONGRESS	KISER, KRIS	CLYDE GLENN JONES	\$292,436.00	0		Not Filed	\$292,436 (est)	\$8,000.00
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1508	C00406769	LIBERTY PA PAC		TROY M CASSEL	\$412,134.00	0	7/23/2006	8	\$67,160	\$900.00
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1511	C00001180	MICHIGAN DOCTORS POLITICAL ACTION COMMITTEE - MICHIGAN STATE MEDICAL SOCIETY		SCOTT GOLDBERG	\$148,797.00	1		Not Filed	\$44,219 (est)	\$1,125.00
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2006 JULY QUARTERLY Non Election Sensitive 07/15/2006 H\_S\_P\_UNAUTH

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
1512	C00376384	MONROE COUNTY DEMOCRATIC COMMITTEE		LEIGH KEGERREIS	\$1,114,504.00	3	8/25/2006	Not Filed	\$168,235	\$9,625.00
1513	C00309468	MS CONSULTANTS INC POLITICAL ACTION COMMITTEE MSCPAC		RAYMOND J. BRIYA	\$133,933.00	0	7/25/2006	10	\$28,783	\$400.00
1514	C00410985	MURRAY ENERGY CORPORATION POLITICAL ACTION COMMITTEE		J CHRISTOPHER NEWPORT	\$245,730.00	0	7/24/2006	9	\$51,482	\$975.00
1515	C00413229	NEREE FOR US CONGRESS	NEREE, DUFIRSTSON	ROUDY THOMAS	\$114,158.00	0	7/24/2006	9	\$27,330	\$380.00
1516	C00300939	OHIO ASSOCIATION OF MORTGAGE BROKERS PAC (OAMB PAC)		STEVE R CLAY	\$122,363.00	0	8/29/2006	Not Filed	\$4,126	\$0.00
1517	C00241083	REPUBLICANS FOR CHOICE, PAC		STONE, ANN E. W. MS.	\$868,730.00	2	9/8/2006	Not Filed	\$125,858	\$6,750.00
1519	C00386482	RIGHTMARCH.COM PAC INC		WILLIAM GREENE	\$124,313.00	0	8/23/2006	Not Filed	\$15,650	\$500.00
1520	C00396655	SAN ANTONIO POLICE OFFICERS ASSOCIATION POLITICAL ACTION COMMITTEE		ROBERT GREJADA C	\$288,490.00	2		Not Filed	\$144,244 (est)	\$6,750.00
1522	C00040725	UNITED FRESH FRUIT AND VEGETABLE ASSOCIATION FRESH POLITICAL ACTION COMMITTEE (FRESH PAC)		GUENTHER, ROBERT	\$101,672.00	0	7/24/2006	9	\$20,943	\$145.00



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Tuesday, September 26, 2006 11:00

BALLOT DEADLINE: Friday, September 29, 2006 4:00

COMMISSIONER: LENHARD, MASON, TONER, von SPAKOVSKY, WALTHER, WEINTRAUB

SUBJECT: **Administrative Fine Program. Reason to Believe Recommendation – 2006 July Quarterly Report. Memorandum from the Assistant Staff Director Reports Analysis Division dated September 25, 2006.**

- I approve the recommendation(s)
- I object to the recommendation(s)
- I approve the recommendations except those following to which I object (please insert AF#)  
\_\_\_\_\_  
\_\_\_\_\_
- I approve the recommendations except those following in which I abstain (please insert AF#)  
\_\_\_\_\_  
\_\_\_\_\_
- I approve the recommendations except those following in which I am recused (please insert AF#)  
\_\_\_\_\_  
\_\_\_\_\_
- I am not voting on this tally.

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Commission Secretary. Please return ballot no later than date and time shown above.

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program Reason To )  
Believe Recommendation - 2006 July )  
Quarterly Report: )  
ANDERSON FOR CONGRESS, and ) AF# 1495  
MELINDA MILLIGAN WALLACE as )  
treasurer; )

NEREE FOR US CONGRESS, and ) AF# 1515  
ROUDY THOMAS as treasurer; )

COMMITTEE TO ELECT MATT ) AF# 1500  
MILLER, and DON EISERLING as )  
treasurer; )

FRIENDS FOR DIX, and Gronewald, Matt ) AF# 1503  
as treasurer; )

CITIZENS TO ELECT PHILLIP ) AF# 1498  
JACKSON, and KIRSTEN ROKKE as )  
treasurer; )

GILLILAND FOR CONGRESS, and ) AF# 1504  
BRIAN GILLILAND as treasurer; )

KISER 4 CONGRESS, and CLYDE ) AF# 1507  
GLENN JONES as treasurer; )

LIBERTY PA PAC, and TROY M ) AF# 1508  
CASSEL as treasurer; )

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Federal Election Commission  
Certification for Administrative Fines  
September 29, 2006

KISER 4 CONGRESS, and CLYDE ) AF# 1507  
GLENN JONES as treasurer; )  
LIBERTY PA PAC, and TROY M ) AF# 1508  
CASSEL as treasurer; )

FLORIDA CONGRESSIONAL ) AF# 1502  
COMMITTEE, and FORREST B RAFFEL )  
as treasurer: )

MS CONSULTANTS INC POLITICAL ) AF# 1513  
ACTION COMMITTEE MSCPAC, and )  
RAYMOND J BRIYA as treasurer; )  
MURRAY ENERGY CORPORATION ) AF# 1514  
POLITICAL ACTION COMMITTEE, and )  
Newport, Christopher as treasurer; )  
UNITED FRESH FRUIT AND ) AF# 1522  
VEGETABLE ASSOCIATION FRESH )  
POLITICAL ACTION COMMITTEE )  
(FRESH PAC), and Guenther, Robert as )  
treasurer; )

MICHIGAN DOCTORS POLITICAL ) AF# 1511  
ACTION COMMITTEE - MICHIGAN )  
STATE MEDICAL SOCIETY, and Grant, )  
James Dr. MD as treasurer; )  
OHIO ASSOCIATION OF MORTGAGE ) AF# 1516  
BROKERS PAC (OAMB PAC), and )  
STEVE R. CLAY as treasurer; )  
REPUBLICANS FOR CHOICE PAC, and ) AF# 1517  
Stone, Ann E. W. Ms. as treasurer; )  
RIGHTMARCH.COM PAC INC, and ) AF# 1519  
Greene William as treasurer; )  
MONROE COUNTY DEMOCRATIC ) AF# 1512  
COMMITTEE, and KAY SISUNG as )  
treasurer; )

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 29, 2006 the Commission took the following actions on the Administrative Fine Program Reason To Believe Recommendation - 2006 July Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated September 25, 2006, on the following committees:

AF#1495 Decided by a vote of 6-0 to: (1) find reason to believe that ANDERSON FOR CONGRESS, and MELINDA MILLIGAN WALLACE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

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AF#1515 Decided by a vote of 6-0 to: (1) find reason to believe that NEREE FOR US CONGRESS, and ROUDY THOMAS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1500 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT MATT MILLER, and DON EISERLING as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

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AF#1503 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS FOR DIX, and Gronewald, Matt as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1498 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS TO ELECT PHILLIP JACKSON, and KIRSTEN ROKKE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1504 Decided by a vote of 6-0 to: (1) find reason to believe that GILLILAND FOR CONGRESS, and BRIAN GILLILAND as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1507 Decided by a vote of 6-0 to: (1) find reason to believe that KISER 4 CONGRESS, and CLYDE GLENN JONES as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1508 Decided by a vote of 6-0 to: (1) find reason to believe that LIBERTY PA PAC, and TROY M CASSEL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1502 Decided by a vote of 6-0 to: (1) find reason to believe that FLORIDA CONGRESSIONAL COMMITTEE, and FORREST B RAFFEL as treasurer violated 2

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U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1513 Decided by a vote of 6-0 to: (1) find reason to believe that MS CONSULTANTS INC POLITICAL ACTION COMMITTEE MSCPAC, and RAYMOND J BRIYA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1514 Decided by a vote of 6-0 to: (1) find reason to believe that MURRAY ENERGY CORPORATION POLITICAL ACTION COMMITTEE, and Newport, Christopher as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1522 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED FRESH FRUIT AND VEGETABLE ASSOCIATION FRESH POLITICAL ACTION COMMITTEE (FRESH PAC), and Guenther, Robert as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

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AF#1511 Decided by a vote of 6-0 to: (1) find reason to believe that MICHIGAN DOCTORS POLITICAL ACTION COMMITTEE - MICHIGAN STATE MEDICAL SOCIETY, and Grant, James Dr. MD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1516 Decided by a vote of 6-0 to: (1) find reason to believe that OHIO ASSOCIATION OF MORTGAGE BROKERS PAC (OAMB PAC), and STEVE R. CLAY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1517 Decided by a vote of 6-0 to: (1) find reason to believe that REPUBLICANS FOR CHOICE PAC, and Stone, Ann E. W. Ms. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1519 Decided by a vote of 6-0 to: (1) find reason to believe that RIGHTMARCH.COM PAC INC, and Greene William as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1512 Decided by a vote of 6-0 to: (1) find reason to believe that MONROE COUNTY DEMOCRATIC COMMITTEE, and KAY SISUNG as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

Attest:

October 2, 2006  
Date

Mary W. Dove  
Mary W. Dove  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 4, 2006

Raymond J. Briya  
MS Consultants Inc. Political  
Action Committee (MSCPAC)  
333 E. Federal Street  
Youngstown, OH 44503

C00309468  
AF#: 1513

Dear Raymond J. Briya:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through June 30th, shall be filed no later than July 15th. 2 U.S.C. 434(a). You were previously notified of the due date for this report. Records at the Federal Election Commission ("FEC") indicate that this report was filed on 7/25/2006, 10 days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 9/29/2006, the FEC found that there is reason to believe ("RTB") that MS Consultants Inc. Political Action Committee (MSCPAC) and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before July 15th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$400. It is due by 11/8/2006 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$ 28,783  
Number of Days Late: 10  
Number of Previous Civil Money Penalties Assessed: 0

**To Pay the Calculated Civil Money Penalty**

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 3. Upon receipt of your payment, the FEC will send you a final determination letter.

**To Challenge the RTB Finding and/or Calculated Civil Money Penalty**

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 11/8/2006. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error, miscalculation of the calculated civil money penalty by the FEC, or the

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existence of extraordinary circumstances that persisted for more than 48 hours that were beyond your control and prevented you from filing the report in a timely manner. Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. Examples of circumstances that will not be considered extraordinary include, but are not limited to, negligence, problems with vendors or contractors, staff illness, computer failures and similar circumstances. 11 C.F.R. 111.35(b)(1)(iii) and (4).

Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of your right to present such argument in a petition to the district court under 2 U.S.C. 437g. 11 C.F.R. 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

**If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge**

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that MS Consultants Inc. Political Action Committee (MSCPAC) and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at [www.FEC.gov](http://www.FEC.gov). If you have questions regarding the payment of the calculated civil money penalty, please contact Laura Sinram in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1157. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,



Michael E. Toner  
Chairman

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$400 for the 2006 July Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by 11/8/2006. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: MS Consultants Inc. Political Action Committee (MSCPAC)

FEC ID#: C00309468

AF#: 1513

PAYMENT DUE DATE: 11/8/2006

PAYMENT AMOUNT DUE: \$ 400

27002503055



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2006 NOV 27 A 9:07

November 22, 2006

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK PY *bc* FMC  
STAFF DIRECTOR

FROM: JOHN D. GIBSON *JDG*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

SUBJECT: ADMINISTRATIVE FINE PROGRAM - FINAL  
DETERMINATION RECOMMENDATION FOR THE 2006  
JULY QUARTERLY REPORT

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2006 July Quarterly Report. The first list represents the committees that have paid the civil money penalty and the second list represents those committees that have not paid. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR 111.34 and 11 CFR 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, the San Antonio Police Officers Association Political Action Committee (AF 1520) filed the 2006 July Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$31,255 (previously estimated to be \$144,244), thus lowering the fine from \$6,750 to \$1,350. The committee paid the civil money penalty assessed at RTB; we will therefore issue a refund for the difference.

Additionally, Citizens to Elect Phillip Jackson (AF 1498) also filed the 2006 July Quarterly Report after the RTB finding and disclosed a level of activity which would

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result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$9,391 (previously estimated to be \$54,275), thus the fine would be lowered from \$2,700 to \$300.

Gilliland for Congress (AF 1504) also filed the 2006 July Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$0 (previously estimated to be \$30,511), thus the fine would be lowered from \$1,125 to \$0.

Kiser 4 Congress (AF 1507) also filed the 2006 July Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$61,323 (previously estimated to be \$292,435), thus the fine would be lowered from \$8,000 to \$2,700.

The Republicans for Choice PAC (AF 1517) also filed the 2006 July Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$63,851 (previously estimated to be \$125,858), thus the fine would be lowered from \$6,750 to \$4,050.

#### **RAD Recommendation**

- (1) Make final determination that the political committees and their treasurers on the attached reports violated 2 U.S.C. 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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11/22/2006 2:15 PM

Federal Election Commission  
 FD Circulation Report - Fine Paid  
 2006 JULY QUARTERLY Non Election Sensitive 07/15/2006 H\_S\_P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1495	ANDERSON FOR CONGRESS	ANDERSON, WOODROW WILSON III	C00422972	MELINDA MILLIGAN WALLACE	8/2/2006	18	\$306,442	0	9/29/2006	\$5,100	\$5,100	10/25/06	\$5,100
1500	COMMITTEE TO ELECT MATT MILLER	MILLER, MATT	C00418368	DON EISERLING	7/23/2006	8	\$53,647	0	9/29/2006	\$900	\$900	10/25/06	\$900
1502	FLORIDA CONGRESSIONAL COMMITTEE		C00127811	FORREST B RAFFEL	8/14/2006	30	\$28,260	0	9/29/2006	\$800	\$800	11/8/06	\$800
1511	MICHIGAN DOCTORS POLITICAL ACTION COMMITTEE - MICHIGAN STATE MEDICAL SOCIETY		C00001180	SCOT F GOLDBERG MD	9/27/2006	Not Filed	\$65,395	1	9/29/2006	\$1,125	\$1,125	11/9/06	\$1,125
1513	MS CONSULTANTS INC POLITICAL ACTION COMMITTEE MSCPAC		C00309468	RAYMOND J BRIYA	7/25/2006	10	\$28,783	0	9/29/2006	\$400	\$400	10/12/06	\$400
1514	MURRAY ENERGY CORPORATION POLITICAL ACTION COMMITTEE		C00410985	RUBLE, MICHAEL G	7/24/2006	9	\$51,482	0	9/29/2006	\$975	\$975	11/8/06	\$975
1515	NEREE FOR US CONGRESS	NEREE, DUFIRSTSON	C00413229	ROUDY THOMAS	7/24/2006	9	\$27,330	0	9/29/2006	\$380	\$380	11/10/06	\$380
1516	OHIO ASSOCIATION OF MORTGAGE BROKERS PAC (OAMB/PAC)		C00300939	STEVE R. CLAY	8/29/2006	Not Filed	\$4,126	0	9/29/2006	\$250	\$250	11/10/06	\$250
1519	RIGHTMARCH.COM PAC INC		C00386482	GREENE, WILLIAM	10/25/2006	Not Filed	\$15,649	0	9/29/2006	\$500	\$500	11/10/06	\$500
1520	SAN ANTONIO POLICE OFFICERS ASSOCIATION POLITICAL ACTION COMMITTEE		C00396655	ROBERT GRANEDA	7/24/2006	Not Filed	\$31,255	2	9/29/2006	\$6,750	\$1,350	11/7/06	\$6,750
1522	UNITED FRESH FRUIT AND VEGETABLE ASSOCIATION FRESH POLITICAL ACTION COMMITTEE (FRESH PAC)		C00040725	GUENTHER, ROBERT	8/23/2006	9	\$21,043	0	9/29/2006	\$145	\$145	10/31/06	\$145

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11/22/2006 2:16 PM

Federal Election Commission  
 FD Circulation Report Fine Not Paid  
 2006 JULY QUARTERLY Non Election Sensitive 07/15/2006 H\_S\_P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
1498	CITIZENS TO ELECT PHILLIP JACKSON	JACKSON, PHILLIP JACKSON	C00417253	KIRSTEN ROKKE	11/4/2006	Not Filed	\$9,391	0	9/29/2006	\$2,700	54	\$300
1503	FRIENDS FOR DIX	DIX, WILLIAM CLARK	C00409433	GRONEWALD, MATT	9/21/2006	Not Filed	\$536,513	0	9/29/2006	\$9,500	54	\$9,500
1504	GILLILAND FOR CONGRESS	GILLILAND, BRIAN SCOTT	C00415927	BRIAN GILLILAND	11/15/2006	Not Filed	\$0	1	9/29/2006	\$1,125	54	\$0
1507	KISER 4 CONGRESS	KISER, KRIS	C00418954	CLYDE GLENN JONES	11/7/2006	Not Filed	\$61,323	0	9/29/2006	\$8,000	54	\$2,700
1508	LIBERTY PA PAC		C00406769	TROY M CASSEL	7/23/2006	8	\$67,160	0	9/29/2006	\$900	54	\$900
1512	MONROE COUNTY DEMOCRATIC COMMITTEE		C00376384	LEIGH KEGGEREIS	8/25/2006	Not Filed	\$168,235	3	9/29/2006	\$9,625	54	\$9,625
1517	REPUBLICANS FOR CHOICE, PAC		C00241083	STONE, ANN E. W. MS.	10/14/2006	Not Filed	\$63,851	2	9/29/2006	\$6,750	54	\$4,050



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Monday, November 27, 2006 11:00

BALLOT DEADLINE: Thursday, November 30, 2006 4:00

COMMISSIONER: LENHARD, MASON, TONER, von SPAKOVSKY, WALTHER, WEINTRAUB

SUBJECT: **Administrative Fine Program – Final Determination Recommendation For The 2006 July Quarterly Report. Memorandum from the Assistant Staff Director, Reports Analysis Division dated November 22, 2006.**

- I approve the recommendation(s)
- I object to the recommendation(s)
- I approve the recommendations except those following to which I object (please insert AF#)  
\_\_\_\_\_  
\_\_\_\_\_
- I approve the recommendations except those following in which I abstain (please insert AF#)  
\_\_\_\_\_  
\_\_\_\_\_
- I approve the recommendations except those following in which I am recused (please insert AF#)  
\_\_\_\_\_  
\_\_\_\_\_
- I am not voting on this tally.

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Commission Secretary. Please return ballot no later than date and time shown above.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

27092593958

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fines Program - Final )  
Determination Recommendation for the )  
2006 July Quarterly Report.: )  
ANDERSON FOR CONGRESS, and ) AF# 1495  
MELINDA MILLIGAN WALLACE as )  
treasurer; )  
COMMITTEE TO ELECT MATT ) AF# 1500  
MILLER, and DON EISERLING as )  
treasurer; )  
FLORIDA CONGRESSIONAL ) AF# 1502  
COMMITTEE, and FORREST B RAFFEL )  
as treasurer; )  
MICHIGAN DOCTORS POLITICAL ) AF# 1511  
ACTION COMMITTEE - MICHIGAN )  
STATE MEDICAL SOCIETY, and SCOT )  
F GOLDBERG MD as treasurer; )  
MS CONSULTANTS INC POLITICAL ) AF# 1513  
ACTION COMMITTEE MSCPAC, and )  
RAYMOND J BRIYA as treasurer; )  
MURRAY ENERGY CORPORATION ) AF# 1514  
POLITICAL ACTION COMMITTEE, and )  
Ruble, Michael G. as treasurer; )  
NEREE FOR US CONGRESS, and ) AF# 1515  
ROUDY THOMAS as treasurer; )  
OHIO ASSOCIATION OF MORTGAGE ) AF# 1516  
BROKERS PAC (OAMB PAC), and )  
STEVE R. CLAY as treasurer; )  
RIGHTMARCH.COM PAC INC, and ) AF# 1519  
Greene William as treasurer; )  
SAN ANTONIO POLICE OFFICERS ) AF# 1520  
ASSOCIATION POLITICAL ACTION )  
COMMITTEE, and ROBERT GRAJEDA )  
as treasurer; )

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UNITED FRESH FRUIT AND  
VEGETABLE ASSOCIATION FRESH  
POLITICAL ACTION COMMITTEE  
(FRESH PAC), and Guenther, Robert as  
treasurer;

AF# 1522

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on November 30, 2006 the Commission took the following actions on the Administrative Fines Program - Final Determination Recommendation for the 2006 July Quarterly Report, as recommended in the Reports Analysis Division's Memorandum dated November 22, 2006, on the following committees:

AF#1495 Decided by a vote of 6-0 to: (1) make a final determination that ANDERSON FOR CONGRESS, and MELINDA MILLIGAN WALLACE as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1500 Decided by a vote of 6-0 to: (1) make a final determination that COMMITTEE TO ELECT MATT MILLER, and DON EISERLING as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1502 Decided by a vote of 6-0 to: (1) make a final determination that FLORIDA CONGRESSIONAL COMMITTEE, and FORREST B RAFFEL as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1511 Decided by a vote of 6-0 to: (1) make a final determination that MICHIGAN DOCTORS POLITICAL ACTION COMMITTEE - MICHIGAN STATE MEDICAL SOCIETY, and SCOT F GOLDBERG MD as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram.

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Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1513 Decided by a vote of 6-0 to: (1) make a final determination that MS CONSULTANTS INC POLITICAL ACTION COMMITTEE MSCPAC, and RAYMOND J BRIYA as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1514 Decided by a vote of 6-0 to: (1) make a final determination that MURRAY ENERGY CORPORATION POLITICAL ACTION COMMITTEE, and Ruble, Michael G. as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1515 Decided by a vote of 6-0 to: (1) make a final determination that NEREE FOR US CONGRESS, and ROUDY THOMAS as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1516 Decided by a vote of 6-0 to: (1) make a final determination that OHIO ASSOCIATION OF MORTGAGE BROKERS PAC (OAMB PAC), and STEVE R. CLAY as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1519 Decided by a vote of 6-0 to: (1) make a final determination that RIGHTMARCH.COM PAC INC, and Greene William as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1520 Decided by a vote of 6-0 to: (1) make a final determination that SAN ANTONIO POLICE OFFICERS ASSOCIATION POLITICAL ACTION COMMITTEE, and ROBERT GRAJEDA as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

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AF#1522 Decided by a vote of 6-0 to: (1) make a final determination that UNITED FRESH FRUIT AND VEGETABLE ASSOCIATION FRESH POLITICAL ACTION COMMITTEE (FRESH PAC), and Guenther, Robert as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 30, 2006  
Date

Darlene Harris  
for Mary W. Dove  
Secretary of the Commission

27092593962



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 4, 2006

Raymond J. Briya, Treasurer  
MS Consultants Inc. Political Action Committee  
(MSCPAC)  
333 E. Federal Street  
Youngstown, OH 44503

C00309468  
AF#: 1513

Dear Raymond J. Briya,


On 9/29/2006, the Federal Election Commission ("FEC") found reason to believe ("RTB") that MS Consultants Inc. Political Action Committee and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 2006 July Quarterly Report. By letter dated 10/4/2006 the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$400 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 10/12/2006, the FEC received payment of your civil money penalty calculated at the RTB stage. Therefore, the FEC made a final determination on 11/30/2006 that you, as treasurer, and MS Consultants Inc. Political Action Committee violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$400 in accordance with 11 C.F.R. 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Rhiannon Ryan on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

Sincerely,

  
Michael E. Toner  
Chairman

27092593063

FOR: MS Consultants Inc. Political Action Committee (MSCPAC)

FEC ID#: C00309468

AF#: 1513

PAYMENT DUE DATE: 11/8/2006

PAYMENT AMOUNT DUE: \$ 400

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 0000040000 BA# 1 10-11-06 20 9



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RAYMOND J. BRIYA SHIRLEY C. BRIYA		68-193-401 412 4604331119	1622
[REDACTED]		DATE 10-6-06	
PAY TO THE ORDER OF	Federal Election Commission	\$	400 <sup>00/100</sup>
Four Hundred and 00/100		DOLLARS	
		Private Banking	
MEMO AF# 1513			
[REDACTED]			



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1513

DATE SCANNED 3/6/07

SCANNER NO. 1

SCAN OPERATOR EES

27092593955